

VZCZCXRO9509  
PP RUEHDBU RUEHLN RUEHVK RUEHYG  
DE RUEHTA #1357 1381017  
ZNR UUUUU ZZH  
P 181017Z MAY 07  
FM AMEMBASSY ASTANA  
TO RUEHC/SECSTATE WASHDC PRIORITY 9490  
INFO RUCNCIS/CIS COLLECTIVE 0170  
RUEHVEN/USMISSION USOSCE 1742  
RUEHNO/USMISSION USNATO 2210  
RUEHAST/USOFFICE ALMATY

UNCLAS ASTANA 001357

SIPDIS

DEPARTMENT FOR SCA/CEN (M. O'MARA)

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [PREL](#) [KZ](#)

SUBJECT: KAZAKHSTAN: CONSTITUTIONAL REFORM PACKAGE APPROVED WITH  
SURPRISE ADDITION

REF: ASTANA 1323

1. (SBU) Summary: Parliament voted on May 18 to approve President Nazarbayev's package of constitutional amendments designed to increase the size and authority of the parliament, as well as to introduce other changes aimed at democratic reform. In a surprise move, a small group of parliamentarians added a provision exempting Nazarbayev from existing term limits. This puzzling move is likely to undercut the positive public impact of the reform package. End summary.

-----  
Last-Minute Change to Lift Nazarbayev Term Limit  
-----

2. (U) As expected, a joint session of parliament voted on May 18 to approve the package of constitutional amendments that President Nazarbayev presented for consideration two days earlier (reftel). All 39 senators and 66 of the 71 Mazhilis (lower house) members present voted in favor of the package, which will now go to Nazarbayev for signature.

3. (U) In an unexpected move, an additional provision was added to the package late on May 17 exempting President Nazarbayev from the current two-term limit specified in Article 42 of the constitution. One parliamentarian cited the example of Franklin Delano Roosevelt being elected to four terms to lead the U.S. through a time of crisis. (Comment: A false analogy given that FDR's experience led to consensus on the need for term limits and the adoption of the 22nd Amendment in 1951. End comment.)

4. (SBU) Ak Zhol Mazhilis member Alikhan Baymenov told Pol-Econ Chief that a small group of deputies drafted the provision and inserted it into the text. He was quite surprised to learn of it this morning just before the second and final reading of the legislation. Baymenov, who called the provision "a spoonful of tar in a barrel of honey" (akin to one rotten apple spoiling the whole bushel), was quite concerned that the move would distract attention from the numerous positive points in the legislation.

-----  
Comment  
-----

5. (SBU) While quick passage of the constitutional amendments was expected, the move to exempt Nazarbayev from existing term limits came as a surprise to all observers. We may never know if Nazarbayev initiated the idea, or it was the work of parliamentarians attempting to curry favor (as they did by renaming the party in his honor in December). Nazarbayev, who will be 72 by

the time his current term expires in 2012, has publicly stated that this will be his last term; it is unlikely that he will seek to stay in office. Even if that is his plan, there was no need to act now to pave the way; he will retain enormous powers under the modified Constitution to continue to change the system of government as he sees fit. Parliament's gift to Nazarbayev will seriously undercut the public impact of the constitutional amendments: instead of headlines about "Modest Political Reform in Kazakhstan," the independent press here and abroad will likely lead with "President Nazarbayev Can Serve for Life." Nazarbayev could still put a positive spin on the matter by rejecting the legislation, but that is unlikely.

ORDWAY